

a second supply connected to said second container portion, comprising a gas source and a gas supply pipe for supplying an auxiliary gas to said second container portion;

wherein said exhaust means is controllable to control a pressure differential across said window at a minimum value.

REMARKS

For the Examiner's convenience, and due to the length and unwieldiness of this file, applicants have attached a list of all of the pending claims in their format after entry of this Amendment.

1. Objections

The Examiner objected to claims 40 and 59 for containing informalities. Applicant has amended these claims per the Examiner's suggestions, correcting the cited informalities.

In addition, Applicant has amended minor informalities related to antecedent basis in claims 37, 100, and 138.

2. Claims rejected over Tobin

Applicant respectfully traverses the rejection of claims 37-38, 44-45, 48, 56, 62-63, 100-101, 111, 117-118, 138-139, 144-145, 148, 156, and 162-163 under § 102(e) over Tobin. With respect to claim 37 and its dependent claims, applicant has amended claim 37 to recite, in addition to the other features recited therein, that the second

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

supply of auxiliary gas to the second container portion is connected to the second container portion and comprises a gas supply pipe and a gas source. The Examiner contends that since an exhaust pump is present in Tobin, a gas supply also must be present in Tobin. This is an inherency argument. Applicant does not agree; for example, atmospheric air could be introduced into the container in Tobin via a relief valve, so a separate gas supply source and gas supply pipe are not inherently disclosed in this reference. At any rate, Tobin does not teach or suggest the structure of a gas supply pipe and a gas supply source connected to a second container portion for supplying auxiliary gas to the second container portion, in combination with the other features recited in the claim, so claim 37 and its dependent claims are not anticipated by Tobin under § 102.

Claim 100 likewise has been amended to recite “a second gas supply and gas supply pipe” for supplying the auxiliary gas to the second container portion, and claim 100 and its dependent claims are not anticipated by Tobin at least for this reason.

Claim 138 likewise has been amended, and claim 138 and its dependent claims are not anticipated by Tobin at least for the same reason.

Applicant also respectfully traverses the § 103(a) rejection of claims 39-43, 46, 64-68, 70-71, 75, 79, 102, 140-143, and 146 over Tobin. Tobin also does not suggest the above-described claim features in combination with the additional features recited in the respective independent claims and dependent claims, and hence Tobin, standing alone, cannot render these claims obvious under § 103(a).

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Applicant also respectfully traverses the rejection of claims 47, 49, 55, 85, 87, 92-93, 99, 103, 105, 110, 147, 149, and 155 under § 103(a) over Tobin, and the rejection of claims 52, 71, 119, 152, and 164 over Tobin, for all of the above reasons.

With respect to claim 120 and rejected dependent claims 121, 123, 128-129, and 135, applicant traverses the rejection because claim 120 recites that “an inactive gas” is supplied to the auxiliary container portion, and Tobin does not teach or suggest this feature, thereby rendering claim 120 and its dependent claims non-obvious under § 103(a).

3. Claims Rejected over Yoder

Applicant respectfully traverses the § 103(a) rejection of claims 39-43, 46, 64-68, 70-71, 75, 79, 102, 140-143, and 146 over Yoder. The Examiner contends that an exhaust means in Yoder is “controlled;” however, Yoder neither discloses nor suggests controlling exhaust to keep a pressure differential between a first container portion and a second container portion across a window at a minimum value, as recited, *e.g.*, in claim 37, so claim 37 and its dependent claims 39-43, and 46 are non-obvious in view of Yoder. At least for the same reason, Yoder does not suggest claim 64, or dependent claims 65-68, 70, 71/1, 71/17, 71/37, 71/64, 75, or 79. Claim 100 is non-obvious over Yoder at least for the same reason, along with dependent claim 102. Claims 140-143 are patentable over Yoder at least for the same reason; and claims 138 and 146 are patentable over Yoder at least for the same reason.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

4. Claims Rejected over Tobin and Cuomo

Applicant respectfully traverses the rejection of claims 47, 49, 55-85, 87, 92-93, 99, 103, 105, 110, 120-121, 123, 128-129, 135, 147, 149, and 155 over Tobin and Cuomo. Applicant has stated above features of the claims that are neither disclosed nor suggested by Tobin. During the course of prosecution of this reissue application and the parent patent, applicant has cited numerous distinctions between the claimed invention and Cuomo, all of which are reiterated by reference here. More significantly, for purposes of the present rejection, however, is the fact that Cuomo does not supply the features of the invention missing from Tobin, so combining Cuomo with Tobin does not cure the deficiencies of Tobin standing alone, and still does not render obvious any of the cited claims under § 103(a).

5. Claims Rejected over Tobin and Benzing

Applicant respectfully traverses the § 103(a) rejection of claims 50-51, 106-107, and 150-151 over Tobin in view of Benzing. Like Cuomo, discussed above, Benzing also fails to supply the above-discussed features of the claims missing from Tobin, and at least for this reason, combining Benzing with Tobin cannot suggest the claims under § 103(a).

6. Claims Rejected over Tobin and Ogle and Tobin and Itoh

Applicant respectfully traverses the § 103(a) rejection of claims 53, 108, and 153 over Tobin in view of Ogle, and the § 103(a) rejection of claims 57-61, 112-116, and

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

157-161 over Tobin in view of Itoh, for the same reasons set forth above for Tobin standing alone, and for the combination of Tobin/Cuomo, and Tobin/Benzing.

7. Rejection over Tobin, Yoder and Cuomo, Benzing, Ogle, or Itoh

Applicant respectfully traverses the § 103(a) rejection of claims 1-3, 5, 10-11, 17-19, 21, 26-27, 33-36, 69, 71-72, 78, 86, 136-137, and 166 over Tobin in view of Yoder and further in view of Cuomo; the § 103(a) rejection of claims 39-43, 46, 64-65, 70-71, 75, 79, 102, 140-143, and 146 over Tobin and Yoder in view of Benzing; the § 103(a) rejection of claim 76 over Tobin in view of Yoder and Ogle; the § 103(a) rejection of claims 80-84 over Tobin, Yoder, and Itoh; the § 103(a) rejection of claims 4, 6-7, 20, 22-23 over Tobin, Cuomo, and Benzing; the § 103(a) rejection of claims 12-16, and 28-32 over Tobin, Yoder, Cuomo, and Itoh; the § 103(a) rejection of claims 8 and 24 over Tobin, Yoder, Cuomo, and Ogle; the § 103(a) rejection of claims 88-89, 122, and 124-125 over Tobin, Cuomo, and Benzing; the § 103(a) rejection of claims 90 and 126 over Tobin, Cuomo, and Ogle; and the § 103(a) rejection of claims 94-98 and 130-134 over Tobin, Cuomo, and Itoh.

The cited references, alone or in any possible combination, cannot suggest all of the features of the combinations recited in these claims, including among other things, an auxiliary gas source and gas supply pipe connected to the second container portion, the supply of an inactive gas as the auxiliary gas, or controlling exhaust to maintain a minimum differential pressure across a window between first and second container portions, all as discussed above.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

8. Objected-to Claims

Applicant acknowledges the indication of allowable subject matter in claims 9, 25, 54, 77, 91, 99, 127 and 154.

These claims are allowable in their dependent form, for all of the reasons stated above, except for claim 91 which was cancelled in the Amendment filed with an RCE on May 9, 2002. Hence, any rejection of or objection to claim 91 is moot.

Applicant also respectfully points the Examiner's attention to claim 85, amended in the May 9, 2002, Amendment. Claim 85, as amended, recites a seat arranged on the window plate, the seat having a passage therethrough for circulating a coolant. This is substantially the same feature recited in original, now-canceled claim 91. The Examiner indicated that claim 91 would have been allowable, so any rejection of claim 85 (*e.g.*, the § 103(a) rejection over Tobin and Cuomo) is further traversed because the Examiner has already admitted that this feature, now recited in claim 85, is an allowable claim feature.

In view of all of the above amendments and remarks, applicant respectfully requests reconsideration and withdrawal of the rejections, and allowance of all of the pending claims.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP


1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 21, 2003

By: 
James W. Edmondson
Reg. No. 33,871

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com